

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS
JUL 19 2022
TAMMY H. DOWNS, CLERK
By: Britt Basell
DEP CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION

RONALD RICKARD

PLAINTIFF

vs.

No. 3:22-cv-00185-BSM

AMERICAN COMMERCIAL BARGE LINE, LLC

DEFENDANT

COMPLAINT

Comes Ronald Rickard, plaintiff, through counsel, and asserts the causes of action to be hereafter stated, against American Commercial Barge Line, LLC (hereinafter "ACBL").

1. Ronald Rickard is a citizen of Arkansas, residing in Jonesboro, Craighead County, Arkansas.

2. ACBL is a limited liability company, which does business in the state of Arkansas, and, in particular, does business in the Eastern District of Arkansas. Its principal offices are located at 1701 E. Market St., Jeffersonville, IN 47130.

3. At all relevant times herein, ACBL owned/operated an inland river towing vessel upon which Ronald Rickard was employed.

4. At all relevant times herein, Ronald Rickard worked as an employee of ACBL, serving as a crew member aboard the vessel Capt. Michael D. Collins.

5. This court has federal question jurisdiction, pursuant to 28 U.S.C. § 1333, to herein decide this case.

6. On or about October 11, 2021, Ronald Rickard slipped, fell, and sustained personal injuries while working as a seaman on the vessel Capt. Michael D. Collins.

This case assigned to District Judge Miller
and to Magistrate Judge Kearney

7. As a cook on the vessel, Ronald Rickard was required to carry buckets or pans of food from one part of the vessel to another, traversing across often wet and slippery surfaces while doing so.

8. At the time of Ronald Rickard's fall, he was undertaking to carry a pan of fish across the slippery metal surface, and was required to walk across a plastic rug which had accumulated water beneath the rug which had not been dried.

9. Ronald Rickard undertook to walk with the pan of fish into the kitchen area, and as he attempted to do so he stepped upon the plastic rug which immediately slid across the surface, causing his feet to surge forward and into the air and he fell violently backwards onto his back, neck, and shoulders, as he landed on the metal surface.

10. Ronald Rickard sustained injuries to his back, neck, and shoulders as a result of this fall.

11. ACBL, as owner/operator of the towing vessel in which Ronald Rickard sustained injury, owed a duty, imposed by General Maritime law, to provide Ronald Rickard with a seaworthy vessel as well as a reasonably safe place to work.

12. The vessel Cpt. Michael D. Collins, on the date that Ronald Rickard fell, had a defective/unfit/slippery/unsafe deck surface, and as a result, was not reasonably fit for its intended use, that is, such vessel was unseaworthy as a matter of fact and law.

13. The unseaworthy condition of said vessel caused the fall, which Ronald Rickard experienced, as well as the injuries and damages Ronald Rickard sustained as the result of such fall.

14. ACBL knew (or should have known) that performance of the tasks previously described, on a wet and slippery surface, with a wet and slippery plastic rug, was inherently

dangerous and exposed Ronald Rickard to unreasonable risk of injuries/harm.

15. The defective/dangerous condition of this vessel, including the unreasonably slippery deck surface on this vessel, was discoverable by ACBL, had that entity exercised ordinary care to provide Ronald Rickard with a safe place to work, and ACBL was guilty of fault/neglect for failing to discover and correct the defective/dangerous condition that existed on its vessel.

16. ACBL's negligence caused/contributed to Ronald Rickard's fall and resulting injuries.

17. As Ronald Rickard's employer, ACBL also owed Ronald Rickard a duty to voluntarily pay Ronald Rickard's maintenance, beginning on the date of Ronald Rickard's injury and extending through the date when Ronald Rickard reached maximum medical improvement, at a rate which should be sufficient to enable Ronald Rickard to obtain room, board, and food equivalent to the quality of room, board, and meals provided to him, while he was aboard ACBL's vessel.

18. ACBL failed/refused to discharge that duty (i.e., the duty to voluntarily provide Ronald Rickard with maintenance, at an appropriate rate) and for such fault/refusal, ACBL is liable to Ronald Rickard.

19. ACBL, as the owner/operator of the vessel on which Ronald Rickard sustained injury, is likewise liable to Ronald Rickard for its breach of its duty to provide Ronald Rickard with a seaworthy vessel.

20. Additionally, ACBL is liable to Ronald Rickard under the Jones Act, 46 U.S.C. § 688, for injuries sustained by Ronald Rickard as a result of his fall, caused by ACBL's negligence.

WHEREFORE, Ronald Rickard seeks judgment from ACBL for:

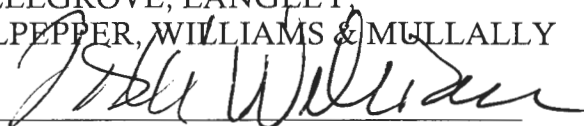
- a. "maintenance" sufficient in an amount to enable Ronald Rickard to obtain food and lodging, while injured, from the date Ronald Rickard sustained this injury through the date that Ronald Rickard reaches maximum medical improvement;
- b. payment of all "cure," i.e., all medical bills incurred by Ronald Rickard as a result of his fall aboard ACBL's vessel; and
- c. all damages, sustained by Ronald Rickard, as a result of the unseaworthy condition of ACBL's vessel, as well as ACBL's negligence, which would include Ronald Rickard's loss of wages, his loss/reduction in wage earning capacity, his past, present, and future pain and suffering and all other damages recoverable by Ronald Rickard as a result of his injuries.

Ronald Rickard, therefore, demands judgment from American Commercial Barge Line, LLC for all damages proven and assessed by a jury upon presentation of such evidence at a trial by jury, for his costs and attorney's fees, and for any and all other relief to which he may be entitled.

Respectfully submitted,

SNELLGROVE, LANGLEY
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By



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